

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL

COUNCIL MEETING DATE:

FROM: THE CITY MANAGER'S OFFICE

NOVEMBER 16, 1988

SUBJECT: APPEAL OF ROSE MARIE MENDONCA OF PLANNING COMMISSION'S DENIAL REGARDING
THE GENERAL PLAN AMENDMENT AND REZONING OF PARCELS AT 537 AND 539 EAST FINE STREET

INDICATED ACTION: The City Council should conduct a public hearing to consider the appeal of Rose Marie Mendonca of the Planning Commission's denial of the requests (1) to amend the Land Use Element of the Lodi General Plan by redesignating 537 and 539 East Pine Street from Residential to Commercial and (2) to rezone 537 and 539 East Pine Street from R-1 (Single-Family-East Side) to C-2, General Commercial.

If the City Council reverses to Planning Commission, it must also certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on this project.

Section 17.84.050 of the Lodi Municipal Code states in part:

"... the City Council ~~may~~ by a four-fifths vote of the entire Council grant any appealed application and adopt by the vote an ordinance effecting such proposed changes or portions thereof."

BACKGROUND INFORMATION At its meeting of Monday, August 8, 1988 the Planning Commission by a unanimous vote denied the above described General Plan Amendment and Rezoning request. In making its decision the Planning Commission drew the following conclusions:

1. that the subject properties were not affected any more than the hundreds of other properties which were rezoned to R-1, Single Family Residential under the Eastside Rezoning; and
2. that the properties could be redeveloped with a four-plex or *two* single-family houses which would be more compatible with the adjacent residential properties.

James B. Schock

JAMES B. SCHROEDER
Community Development Director

Attachments:

MENDONCA AMENDMENT & REZONING

537 & 539 E. PINE ST.

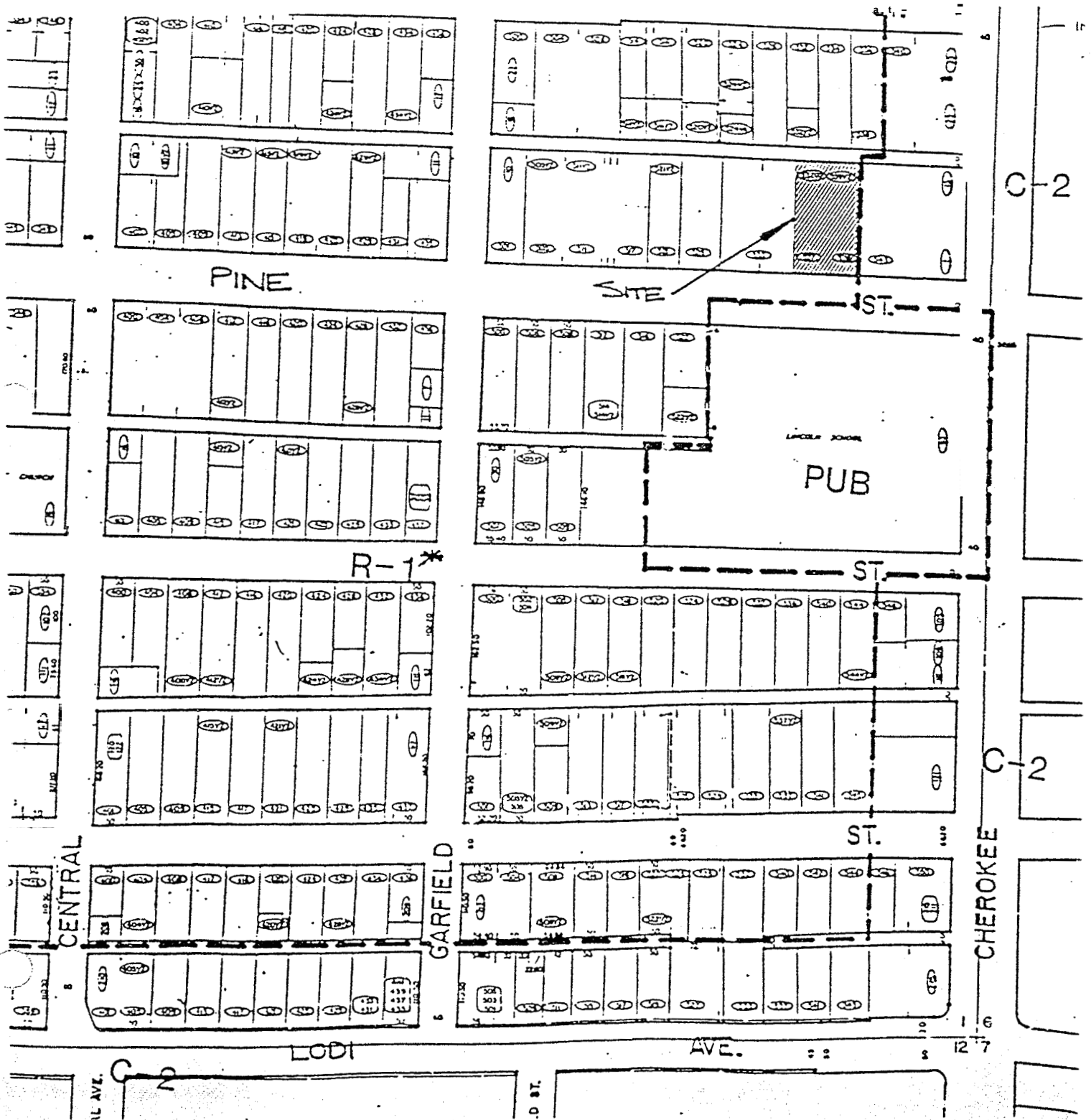
R-1 TO C-1

7-88-03

ND-88-05

8-8-88

GPA-LU-88-02



CITY COUNCIL

JAMES W. PINKERTON, Jr., Mayor
JOHN R. (Randy) SNIDER
Mayor Pro Tempore
DAVID M. HINCHMAN
EVELYN M. OLSON
FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5631
TELECOPIER (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

August 9, 1988

Manuel and Rose Marie Mendonca
1 North Cherokee Lane
Lodi, CA 95240

Dear Mr. and Mrs. Mendonca:

SUBJECT: General Plan Amendment and Rezoning
537 & 539 East Pine Street

At its meeting of Monday, August 8, 1988, the Lodi City Planning Commission denied the following items requested by you:

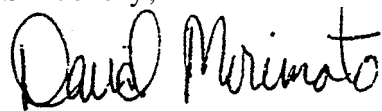
1. To amend the land use element of the Lodi General Plan by redesignating the parcel at 537 and 539 East Pine Street from Single-Family Residential to Commercial.
2. To rezone the parcel at 537 and 539 East Pine Street from R-1, Single-Family Residential, to C-2 General Commercial.

Section 17.84.050 of the Lodi Municipal Code provides the following procedure:

"If the Planning Commission report denies the proposed change or amendment or reclassification, the applicant, upon notification of such action, may within 20 days thereafter appeal to the City Council."

Your appeal must be in writing and should be directed to Alice M. Reimche, City Clerk, Call Box 3006, Lodi, CA 95241-1910. It must be received by her by 5:00 p.m. August 29, 1988.

Sincerely,



DAVID MORIMOTO, AICP
Acting Planning Commission Secretary

cc: City Clerk

*Rose
Marie*

REALTY

(209) 334-1642 / 1 NORTH CHEROKEE LANE / LODI, CALIFORNIA 95240

RECEIVED

1988 SEP 23 11:14

ALICE P. REIMCHE

CITY CLERK
CITY OF LODI

September 23, 1988

RE: Appeal of Rose Marie Elendonca on 537 & 539 East Pine

Alice P. Reimche, City Clerk
City Council Chambers
212 W. Pine Street
Lodi, CA 95240

Dear Mrs. Reimche:

I must withdraw the appeal of the Planning Commission Denial of General Plan Amendment and rezoning of parcels located 537 & 539 East Pine Steeet. This hearing was scheduled for your September 28 meeting and I would like to have it continued to October 26th meeting. I appreciate your help in this matter and an sorry for the inconvenience.

Thank you,

Rose Marie Elendonca

Rose Marie Mendonca

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DECLARATION OF MAILING

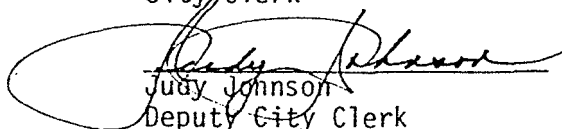
On October 25, 1988 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 25, 1988, at Lodi, California.

ALICE M. REMCHE
City Clerk


Judy Johnson
Deputy City Clerk

NOTICE OF CONTINUED PUBLIC HEARING

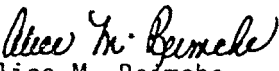
TO CONSIDER THE APPEAL OF ROSEMARIE MENDONCA
OF THE PLANNING COMMISSION'S DENIAL REGARDING
THE GENERAL PLAN AMENDMENT AND REZONING OF PARCELS
LOCATED AT 537 AND 539 EAST PINE STREET

NOTICE IS HEREBY GIVEN that on Wednesday, November 16, 1988 at the hour of 7:30 pm., or as soon thereafter as the matter may be heard, the Lodi City Council will conduct, a continued public hearing to consider the appeal of RoseMarie Mendonca of the Planning Commission's denial regarding the General Plan Amendment and Rezoning of parcels located at 537 and 539 East Pine Street.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein and oral statements may be made at said hearing.

If you challenge the subject matter in court you may be limited to raising only those **issues** you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, Lodi, California, at or prior to, the Public Hearing.

By Order Of the Lodi City Council :


Alice M. Reimche
City Clerk

Dated: October 19, 1988

Approved as to form:


Bobby W. McNatt
City Attorney

MAILING LIST FOR: 537 E PINE

013-170-10

(Mendocino)

FILE #

File #	grk	AP#	OWNERS NAME	MAILING ADDRESS	CITY, STATE	ZIP
297	B1	013-120-6	HOLT JOE ERL	3156 HUSTLEDOWN CT	PLANTATION, CA	94526
021	M16	7	GALLO JUDNA	525 E PINE		
021	M16	8	PETERSON MERTAN	533 E PINE		
021	M16	9	MILGROM MIRIAM	533 E PINE		
021	M16	11	MENDONCA MANUEL	1 N CLEVERKEE		
021	M16	12	MENDONCA MANUEL	1 N CLEVERKEE		
021	M16	13	BELICHERIDE MARIE - MARIA	511 E PINE		
021	C16	013-170-1	CUSCUGLE KATHLEEN	1020 BROADWAY	SUCUTON, CA	95203
297	P15	2	MOORE JB	15662 N DAVIS RD.		
323	B1	3	BEACON OIL CO.	PO BOX 466	HANFORD, CA	93230
021	P16	4	INDUSTRIAL ROBERT ETAL	1153 W KRAV		
021	P16	5	JOYAL ANNEX	20359 LOTAR CT	WATSONIA, CA	95072
021	B17	6	HEITZMANN ANNA	532 E ELM	1011	95245
021	B17	7	STAPLEBURG BERNARD	532 1/2 E ELM		
021	B16	8	BALZ JOSE + ANGELINA	526 E ELM		
021	C17	9	AVAZOS RUBEN-CARMEN	524 E ELM		
021	C17	10	AVAZOS RUBEN-CARMEN	524 E ELM		
021	C17	11	BULLA FRED + CALORIA	37897 TULLO ST	IRVINGTON, CA	94536
274	F14	12	WOLFE II ROBT	520 E ELM		
021	B17	13	CARROLL VENTURA	520 E ELM		
021	B17	14	LANIGUCHI ROY	516 E ELM		
021	B17	15	CORDERO ORNELA	516 1/2 E ELM		
218	C17	013-190-20	LYNN KENNEDY	PO BOX 1330		95241
266	C16	21	CHANDLER SYLVIA-CLARA	7201 E REACTY RD		
021	M16	013-160-5	BETTEL DAVID	516 E PINE		
218	B17	6	ASKINS GARY BENNY	522 E PINE		
021	M16	7	VANDERLY EDWARD	522 1/2 E PINE		
021	M16	8	LUSIS			
218	B17	013-210-21	BERTSCH VICKI	111 OTH DR		95242
022	C2	28	CLARK HOWARD	6797 E HWY 12		
022	C2	29	CLARK HOWARD	6797 E HWY 12		
022	C2	30	CLARK HOWARD	6797 E HWY 12		
022	C2	31	WANG SHU	907 CHEST CT		
022	C2	32	CLARK HOWARD	6797 E HWY 12		
022	C2	33	CLARK HOWARD	PO BOX 1634		95241
022	C2	34	CLARK HOWARD	6797 E HWY 12		
022	B3	013-100-1	SHAPIRO LARRY	604 E PINE		
310	M1	13	CLARK LARRY	PO BOX 910		
017	M1	18	THE FIRST PROBABILITIES	901 CAMBIST WAY	CAMPBELL, CA	95003

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September 20, 1988

To: The Lodi City Council
and
The Lodi City Planning Commission

As the resident and owner of the property at 533 East Pine Street for 57 years my family and I are totally opposed to the requested zoning change of 537 and 539 East Pine Street from Single Family Residential to General Commercial.

For more than 10 years the above mentioned property has been an abomination to anyone's eyes as it has been used as a commercial junkyard and not as it should have been under a residential zoning. If the zoning change occurs as requested it would only legally perpetuate an eyesore for the City of Lodi.

Pine Street now has such heavy traffic we feel any additional commercial zonings will contribute to an already hazardous situation.

We also feel the use of Lincoln School for continuing education has had a very welcomed positive influence on the neighborhood and community.

Very sincerely,
Miriam M Peterson

533 East Pine St.
Lodi, California 95240

CITY COUNCIL

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JOHN R. (Randy) SNIDER
Mayor Pro Tempore
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THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

November 18, 1988

Ms. RoseMarie Mendonca
1 North Cherokee Lane
Lodi, CA 95240

Dear Ms. Mendonca:

This letter will confirm action taken by the Lodi City Council at its regular meeting of November 16, 1988 whereby, following a public hearing to consider your appeal of the Planning Commission's denial regarding the General Plan Amendment and rezoning of parcels located at 537 and 539 East Pine Street, the City Council denied your appeal.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Very truly yours,

Alice M. Reimche
Alice M. Reimche
City Clerk

AMR:jj

cc: James B. Schroeder
Community Development Director

NOTICE OF CONTINUED PUBLIC HEARING


TO CONSIDER THE APPEAL OF ROSEMARIE MENDONCA
OF THE PLANNING COMMISSION'S DENIAL REGARDING
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By Order Of the Lodi City Council :


Alice M. Reimche
City Clerk

Dated: October 19, 1988

Approved as to form:


Bobby W. McNatt
City Attorney